

RECEIVED
CENTRAL FAX CENTER
MAY 12 2005

PATENT
Attorney Docket No. 101.0053-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 4993
Gary K. Michelson)	
Serial No.: 10/047,545)	Group Art Unit: 3764
Filed: January 16, 2002)	Examiner: Michael Brown
For: THREADED FRUSTO-CONICAL)	
INTERBODY SPINAL FUSION)	
IMPLANTS)	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

A copy of German Patent No. 29 10 627, dated September 1980, and English-language translation thereof are attached.

Copies of the remaining listed documents were previously submitted in a prior application, Serial No. 08/480,908, filed June 7, 1995, upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: May 12, 2005

By: 

Amedeo F. Ferraro
Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartsville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

OMB 0651-0031

Substitute for FORM PTO-1449		Attorney Docket Number 101.0053-01000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson		Application Number 10/047,545		
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date January 16, 2002		Group Art Unit 3764		Examiner M. Brown
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/M.B./	3,719,186	03/1973	Merig, Jr.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
/M.B./	29 10 627	9/1980	Germany			Yes
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
/M.B./	Cloward, Ralph B.; Surgical Techniques for Lumbar Disc Lesions; Codman; Signature Serial 3.					
	Cloward, Ralph B.; Ruptured Cervical Intervertebral Discs: Removal of Disc & Osteophytes & Anterior Cervical Interbody Fusion (A.C.I.F.); Codman; Signature Serial 4.					
	Cloward, Ralph B.; Recent Advances in Surgery of the Cervical Spine; pp. 285-293; German Society For Neurosurgery: Volume 2 Cervical Spine Operations; Excerpta Medica.					
	Hutter, Charles George; Spinal Stenosis and Posterior Lumbar Interbody Fusion; pp. 103-114; Clinical Orthopaedics and Related Research; No. 193; The Association of Bone and Joint Surgeons.					
	Lin, Paul M.; Posterior Lumbar Interbody Fusion; pp. 114-122; Charles C. Thomas; Springfield, Illinois.					
	Lin, Paul M.; Lumbar Interbody Fusion: Principles and Techniques in Spine Surgery; Techniques and Complications; pp. 81, 96, 120, 146, 173, 180-184, 204, 224, 225, 231; Aspen Publishers, Inc.; 1989.					
	Tan, S.B.; A Modified Technique of Anterior Lumbar Fusion with Femoral Cortical Allograft; pp. 83-93; The Journal of Orthopaedic Surgical Techniques, Volume 5, No. 3, 1990.					
	Muller, M.E.; Manual of Internal Fixation: Techniques Recommended by the AO Group; Second Edition, Expanded and Revised; pp. 3-20, 27-41, 53-58, 71-78, 94, 311, 320; Springer-Verlag; 1979.					
	Hierholzer, G.; Manual on the AO/ASIF Tubular External Fixator; pp. 85-91; Springer-Verlag; 1985.					
	Heim, Urs; Small Fragment Set Manual: Technique Recommended by the ASIF-Group; pp. 5-7, 10, 20, 21, 30; Springer-Verlag; 1974.					
	Harmon, Paul H.; Anterior Excision and Vertebral Body Fusion Operation for Intervertebral Disk Syndromes of the Lower Lumbar Spine: Three- to Five-Year Results in 244 Cases; pp. 107-127; Clinical Orthopaedics and Related Research, No. 28; J.B. Lippincott Company, 1963.					
	Harmon, Paul H.; A Simplified Surgical Technic for Anterior Lumbar Discectomy and Fusion; Avoidance of Complications: Anatomy of the Retroperitoneal Veins; pp. 130-143; Clinical Orthopaedics and Related Research, No. 37; J.B. Lippincott Company, 1964.					
	Bullough, Peter G.; Atlas of Spinal Diseases; Figure 5.7; J.B. Lippincott Company; 1988					
	Canale, S. Terry; Campbell's Operative Orthopaedics; Volume 3, 9 th Edition; pp. 2191, 2216, 2459; Mosby, 1998.					
EXAMINER	/Michael Brown/		DATE CONSIDERED		02/17/2008	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						